

of the state of the concerns in lieu of furnishing that account, wrote to a practising attorney of Anne Arundel county, as follows: 'I hereby authorize *Alexander Contee Magruder, Esq.* to appear to a suit to be docketed in Anne Arundel County Court, in the name of *Robert and John Oliver* on the within *Nar.* and to confess judgment thereon. Baltimore, 29th Nov'r, 1822. *Richard Caton*, Pres'd't of the A. & Copp's Co. of Cape Sable.' In virtue of this authority, the following note was made. 'Enter my appearance for def't and a judgment as above. *A. C. Magruder*, for def't.' In virtue of this authority, on the 9th December, 1822, at the adjourned October term, a suit was docketed as follows: '*Robert Oliver and John Oliver vs. The Cape Sable Company.* Case *Nar.* Docketed by consent. Errors released. Judgment for \$30,000 cur't money, damages and costs. To be released on payment of \$17,000, cur. money, with interest thereon from the 20th day of February, 1822, and costs.' No account was filed in the cause; and all the authority for the judgment is as disclosed. Immediately on obtaining a judgment, a *fiери facias* issued; and the whole property of the company, real and personal, is taken in execution; and on the 14th of the same December advertised by the sheriff to be sold on the 6th of January then ensuing, for cash.

On the 4th of January, two days previous to the time fixed on for the sale, the present bill was filed, which states the facts here related; and that no notice of the demand was given to your orators who represent the interest of *John Gibson*, who was entitled to one-third of the stock of the company; no opportunity was offered them of contesting it; but in pursuance of an arrangement entered into between *Caton* and the plaintiffs, the proceedings mentioned took place. That at the time the judgment was given, with such eager precipitation, the manufactories were carried on by the company, yielded such great profits, that the debt, if really due, would have been satisfied, if the usual course, which precedes the obtension of judgments, had been pursued. The bill also states, that *Caton*, combining and confederating with *Robert and John Oliver* to injure and defraud, and with a view of placing beyond their reach the property caused the judgment and proceedings.

To this bill, as well as the first, *Richard Caton*, against whom such serious charges have been made, has not answered.

Robert and John Oliver, in their answer, admitting the judgment, deny that in entering the said judgment there was any illegal confederation or fraud on the part of those respondents, or as far